

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 Equal Employment Opportunity) No. CV-08-0927-PHX-LOA
10 Commission,)

11 Plaintiff,)

12 vs.)

13 Southwestern Furniture of Wisconsin,)
14 LLC, d/b/a/ Ashley Furniture Homestores,)

15 Defendant.)
16

**NOTICE OF ASSIGNMENT
AND ORDER**

17 Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective
18 December 1, 2007, civil cases are, and will be, randomly assigned to a United States district
19 judge or to a United States magistrate judge. This matter has been assigned to the
20 undersigned United States Magistrate Judge.

21 As a result of the aforesaid Local Rule and assignment, if all parties consent
22 in writing, the case will remain with the assigned Magistrate Judge pursuant to Title 28
23 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party
24 chooses the district-judge option, the case will be randomly reassigned to a U.S. district
25 judge. To either consent to the assigned Magistrate Judge or to elect to have the case heard
26 before a district judge, the appropriate section of the form, entitled Consent To Exercise Of
27
28

Jurisdiction By United States Magistrate Judge,¹ must be completed, signed and filed. The party filing the case or removing it to this District Court is responsible for serving all parties with the consent forms. Each party must file a completed consent form and certificate of service with the Clerk of the Court no later than 20 days after entry of appearance or as otherwise directed by the Court, and shall serve a copy upon all other parties of record in the case.

Any party is free to withhold consent to magistrate-judge jurisdiction without adverse consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 914 (9th Cir. 2003) (pointing out that consent is the “touchstone of magistrate judge jurisdiction” under Title 28 U.S.C. §636(c)). “A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge.” *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en banc*)).

If all parties, through their counsel, expressly consent in writing to a magistrate judge, the magistrate judge has “full authority over dispositive motions, conduct of trial, and entry of final judgment, all without district court review.” *Roell v. Withrow*, 538 U.S. 580, 584 (2003). “A judgment entered by ‘a magistrate judge designated to exercise civil jurisdiction under [§ 636(c)(1)]’ is to be treated as a final judgment of the district court, appealable ‘in the same manner as an appeal from any other judgment of a district court.’” *Id.* (citing § 636(c)(3)).

A review of the District Court’s docket reflects that the Complaint was filed on May 15, 2008. Plaintiff shall have until and including **Monday, June 2, 2008** within

¹The consent/election form was electronically provided to Plaintiff’s counsel by the Clerk May 15, 2008. (docket # 2) One may also find the consent/election form on the District’s web site, click on “Local Rules” at the top of the page, then click on “Forms” on the left side of the page and then click on and print the appropriate form. Consent/election forms are not to be e-filed. Consent/election forms are to be filed in paper form with the Clerk’s Office. ECF Policies and Procedure Manual, II, ¶ M at p.19.

1 which to make its selection to either voluntarily consent to magistrate-judge jurisdiction or
2 elect to have the case assigned to a United States district judge.

3 Accordingly,

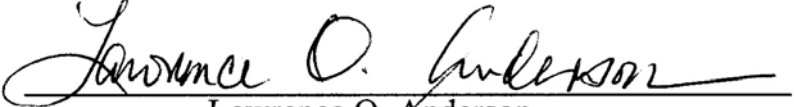
4 **IT IS ORDERED** that Plaintiff shall file its written election to either
5 consent to magistrate-judge jurisdiction or elect to proceed before a United States district
6 judge on or before **Monday, June 2, 2008**.

7 **IT IS FURTHER ORDERED** that Defendant shall file its written election to
8 either consent to magistrate-judge jurisdiction or elect to have this case assigned to a United
9 States district judge within 20 days of its appearance herein or as otherwise directed by the
10 Court.

11 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
12 shall hereinafter comply with the Rules of Practice for the United States District Court for
13 the District of Arizona. The District's Rules of Practice may be found on the District Court's
14 internet web page at www.azd.uscourts.gov/.

15 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
16 shall use the above caption, number and initials until further order of the Court.

17 DATED this 19th day of May, 2008.

18 
19 Lawrence O. Anderson
20 United States Magistrate Judge
21
22
23
24
25
26
27
28